

April 15, 2016

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
April 15, 2016

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 1:30 PM AT 607 EAST ADAMS STREET, SUITE 801, SPRINGFIELD, ILLINOIS

II. PRESENT

Chairman William A. Schroeder; Anita M. Cummings, G.A. Finch, Susan Moylan Krey (by telephone), and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; John Logsdon, Mike Quinlan, and Jeff Shuck, Illinois Department of Central Management Services; Karey Wanless and Ed Huntley, Illinois Department of Corrections; Renee Strickland, Educational Labor Relations Board; Lori Elston, Illinois Department of Natural Resources; and Heidi Scott, Lara Quivey, and Mark Vincent.

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that he had been notified in advance that Commissioner Krey was prevented from physically attending the April 15, 2016 meeting at the Commission's Springfield office due to employment purposes and wished to attend by audio conference.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4 – 0 TO ALLOW COMMISSIONER KREY TO ATTEND THE MEETING BY AUDIO CONFERENCE.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MARCH 18, 2016

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY CHAIRMAN SCHROEDER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MARCH 18, 2016.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	145.....	18
Agriculture	335.....	20
Arts Council	11.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,416.....	115
Children and Family Services.....	2,551.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	309.....	69
Commerce Commission	63.....	0
Corrections	11,841.....	98
Criminal Justice Authority.....	53.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	69.....	6
Employment Security	1,186.....	32
Environmental Protection Agency.....	706.....	18
Financial & Professional Regulation.....	428.....	49
Gaming Board	174.....	6
Guardianship and Advocacy	98.....	8
Healthcare and Family Services	1,952.....	26
Historic Preservation Agency.....	133.....	17
Human Rights Commission.....	14.....	2
Human Rights Department	127.....	9
Human Services.....	13,293.....	77
Illinois Torture Inquiry Relief Commission	2.....	1
Independent Tax Tribunal	1.....	0
Insurance	244.....	16
Investment Board	3.....	2
Juvenile Justice.....	1,068.....	27
Labor	84.....	11
Labor Relations Board Educational.....	8.....	2
Labor Relations Board State.....	14.....	2
Law Enforcement Training & Standards Bd.	19.....	2
Lottery	137.....	8
Military Affairs.....	129.....	3
Natural Resources.....	1,161.....	31
Pollution Control Board	19.....	2
Prisoner Review Board.....	20.....	0
Property Tax Appeal Board.....	32.....	1
Public Health	1,127.....	40
Racing Board.....	2.....	1
Revenue.....	1,581.....	52
State Fire Marshal	120.....	12
State Police.....	1,046.....	10
State Police Merit Board	6.....	2
State Retirement Systems	111.....	3
Transportation	3,415.....	0
Veterans' Affairs	1,376.....	10
Workers' Compensation Commission.....	122.....	11
TOTALS.....	46,815.....	880

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
- 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Items C and D, by agreement between Commission Staff and Central Management Services, it is requested that Items C and D be continued to the Commission's May 20, 2016 meeting. These are two Labor Relations attorney positions that are anticipated to be part of a larger initiative related to the manner internal Labor Relations are conducted in State agencies.
- As to Item E, the agency asked to withdraw this request.
- As to Item F, the agency requested that this request be continued to the Commission's May 20, 2016 meeting. Staff had no objection to this request.
- As to Item G, this request is for a Chief Fiscal Officer at the Illinois Educational Labor Relations Board, a position that reports to the Executive Director. This position has principal policy responsibility for all the fiscal operations of the Board and serves as the liaison to the Governor's Office of Management and Budget. The Commission has historically approved such positions for exemption so Staff recommended approval of this request. Renee Strickland, Educational Labor Relations Board, confirmed the accuracy of these representations.
- As to Item H, this request is for a Chief Accountability Officer (CAO) at the Department of Natural Resources (DNR), a position that reports to the Director. This is a little unusual in that the CAO position is mandated by the Grant Accountability and Transparency Act (GATA) which is legislation designed to reduce administrative burdens on State grant-making agencies such as DNR and grantees, and to streamline the entire grant process and improve outcomes. The unusual part is that GATA by its terms states that the Governor's Office of Management & Budget (GOMB) is something of the overseer of the process and the agency CAOs act as liaisons to it. However, the Act also states that the CAOs are responsible for the State agency's implementation of and compliance with the rules for grant accountability.

The Commission had its first request for an exemption for a CAO position last May. At that time, the Staff and Commission rejected the idea that a CAO was entitled to a principal policy exemption because the GATA left the authority and responsibility with the GOMB. However, Staff revisited that position after receiving this request.

After consulting with both the agency and the GOMB, it was determined that while the GOMB has the authority for the grant administration rules, the CAOs will be principally responsible for ensuring their agencies are in compliance with the rules. This equates to the way in which the GATA program is carried out. Staff also found it significant that this CAO position has overall responsibility for the grant management program at DNR. It has significant input into the determination of grant recipients though this ultimate authority is solely with the agency director. It is noteworthy that DNR awards 300-400 grants a year in the amount of \$347,000,000. Finally, GOMB took the position that the grant of a principal policy exemption for

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CAO positions is not inappropriate. For all these reasons, Staff recommended approval of this request. Lori Elston, Illinois Department of Natural Resources-Classifications, confirmed the accuracy of these representations.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, THE MOTION ADOPTED 5-0 TO CONTINUE TO MAY 20, 2016 THE EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

- C: Chief Labor Counsel (Corrections)**
- D: Chief Labor Counsel (Human Services)**
- F: Deputy Director of Operations (Corrections)**

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY CHAIRMAN SCHROEDER, THE MOTION ADOPTED 5-0 TO ACCEPT THE WITHDRAWAL OF THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

- E: Comptroller, Office of Finance and Management (Central Management Services)**

IT WAS MOVED BY CHAIRMAN SCHROEDER, SECONDED BY COMMISSIONER URLACHER, THE MOTION ADOPTED 5-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

- G: Chief Fiscal Officer (Educational Labor Relations Board)**
- H: Office Director, Office of Grant Management and Assistance/Chief Accountability Officer (Natural Resources)**

The following 4d(3) exemption requests were continued to May 20 2016:

C. Illinois Department of Corrections

Position Number	40070-29-08-000-01-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor's Office Chief Labor Counsel
Location	Sangamon County

D. Illinois Department of Human Services

Position Number	40070-10-00-000-00-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor's Office Chief Labor Counsel
Location	Sangamon County

F. Illinois Department of Corrections

Position Number	40070-29-04-010-00-01
Functional Title	Deputy Director of Operations
Incumbent	Michael P. Atchison
Supervisor	Chief of Operations who reports to the Public Safety Officer who reports to the Director
Location	Randolph County

The following 4d(3) exemption was withdrawn on April 15, 2016:

E. Illinois Department of Central Management Services

Position Number	40070-37-50-200-00-01
Functional Title	Comptroller, Office of Finance and Management
Incumbent	Vacant
Supervisor	Chief Financial Officer who reports to the Director
Location	Sangamon County

The following 4d(3) exemption requests were granted on April 15, 2016:

G. Illinois Educational Labor Relations Board

Position Number	40070-50-14-100-00-01
Functional Title	Chief Fiscal Officer
Incumbent	Vacant
Supervisor	Executive Director
Location	Sangamon County

H. Illinois Department of Natural Resources

Position Number	40070-12-12-000-00-01
Functional Title	Office Director, Office of Grant Management and Assistance/ Chief Accountability Officer
Incumbent	Lisa LaBonte
Supervisor	Director
Location	Sangamon County

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

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- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

The following class titles were submitted for abolishment, creation, and revision by the Director of the Illinois Department of Central Management Services (CMS):

B. None submitted

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. Section 305.310 Extends Jurisdiction A, B, and C (December 9, 2013)

- a) Effective March 9, 2013, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Department of Transportation positions currently classified as Sign Hanger and Sign Hanger Foreman.
- b) With the exception of those employees who have already been determined qualified, the foregoing affected employees will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to

December 9, 2013 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective December 9, 2013.

(Source: Added at _____ Ill. Reg. _____, effective _____)

Staff Analysis: Assistant Executive Director Andrew Barris indicated he had a concern with the effective date of the amendment and turned it over to John Logsdon, Central Management Services (CMS) Technical Services, to provide the explanation to the Commissioners. John Logsdon stated that Sign Hanger and Sign Hanger Foremen positions were formerly prevailing rate positions that were partially exempt from the Personnel Code pursuant to Section 4d(4). As of December 9, 2013 the Illinois Labor Relations Board placed these positions in State bargaining unit HR001. Since these positions were no longer prevailing rate, CMS had to extend jurisdiction to include them. Executive Director Daniel Stralka asked about the reason for the delay. Jeff Shuck, CMS Legal Services, indicated there was a miscommunication between CMS Labor Relations which oversaw their placement in the bargaining unit and CMS Legal which was responsible for the Personnel Rule amendment. He also noted that there was a typographical error in the amendment language as to the effective date but it was published with the accurate date.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

SCHROEDER	YES	CUMMINGS	YES
FINCH	YES	KREY	YES
URLACHER	YES		

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 East Adams Street, Suite 801, Springfield, Illinois at 2:08 p.m.

PRESENT

Chairman William A. Schroeder; Anita M. Cummings, G.A. Finch, Susan Moylan Krey (by telephone), and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; and Heidi Scott, Lara Quivey, and Mark Vincent.

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each department as reported by Central Management Services:

Agency	2/29/16	3/31/16	3/31/15
Agriculture	0	1	0
Central Management Services	2	4	2
Children and Family Services	0	1	2
Employment Security	1	1	0
Financial and Professional Regulation	1	1	0
Healthcare and Family Services	5	3	2
Human Services	15	11	2
Insurance	2	2	0
Natural Resources	6	6	3
State Police	0	1	0
State Retirement Systems	3	5	0
Transportation	7	5	2
Workers Compensation Commission	3	1	0
Totals	45	42	13

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XI. INTERLOCUTORY APPEAL

RV-20-16

Employee	Jeffrey Atterberry	Appeal Date	10/15/15
Agency	Financial & Professional Regulation / Central Management Services	Decision Date	03/21/16
Appeal Type	Rule Violation	Proposal for Decision	Dismiss for no jurisdiction (filed a grievance on same subject as appeal).
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY CHAIRMAN SCHROEDER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL BECAUSE A UNION GRIEVANCE WAS PREVIOUSLY FILED ON THE SUBJECT SO THERE IS NO JURISDICTION.

**SCHROEDER YES CUMMINGS YES
FINCH YES KREY YES
URLACHER YES**

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-8-16

Employee	Craighton Watt	Appeal Date	8/26/15
Agency	Corrections	Decision Date	3/31/16
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY CHAIRMAN SCHROEDER, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 31, 2016.

**SCHROEDER YES CUMMINGS YES
FINCH YES KREY YES
URLACHER YES**

DA-23-16

Employee	Heidi S. Scott	Appeal Date	11/02/15
Agency	Corrections	Decision Date	03/31/16
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY CHAIRMAN SCHROEDER, AND BY ROLL CALL VOTE OF 3-2 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE FINDINGS OF FACT AND PARTIALLY AFFIRM AND ADOPT THE CONCLUSIONS OF LAW WHILE MODIFYING THE RECOMMENDATION THAT DISCHARGE IS THE APPROPRIATE LEVEL OF DISCIPLINE TO BE IMPOSED.

THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVEN BUT CONSIDERING THE NATURE OF THE OFFENSE, THE EMPLOYEE'S PERFORMANCE RECORD INCLUDING DISCIPLINARY HISTORY AND LENGTH OF CONTINUOUS SERVICE, THE PROVEN CHARGES DO NOT RISE TO THE LEVEL WHICH SOUND PUBLIC OPINION RECOGNIZES AS GOOD CAUSE FOR THE EMPLOYEE TO NO LONGER HOLD THE POSITION IN LIGHT OF OTHER CASES IN WHICH THE COMMISSION HAS IMPOSED LESS THAN DISCHARGE AND THAT SCOTT HAD NO EXPECTATION THAT DISCHARGE WOULD RESULT FROM SIMPLY A MISTAKE AND THAT DISCHARGE WAS DISPROPORTIONATE TO THE OFFENSE.

SCHROEDER	YES	CUMMINGS	YES
FINCH	NO	KREY	YES
URLACHER	NO		

DA-24-16

Employee	Dale W. Hess, Jr.	Appeal Date	11/16/15
Agency	Human Services	Decision Date	04/01/16
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY CHAIRMAN SCHROEDER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PROVEN CHARGES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 1, 2016.

SCHROEDER	YES	CUMMINGS	YES
FINCH	YES	KREY	YES
URLACHER	YES		

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XIII. CHAIRMAN REPORT

It was the decision of the Chairman to eliminate this item on future agendas.

XIV. STAFF REPORT

Executive Director Daniel Stralka reported:

- As to the FY17 budget, the Commission's Senate Appropriation hearing was held on April 7. The only questions were posed by Senator Laura Murphy about principal policy exempt positions.
- Statements of Economic Interest and Supplemental Statements of Economic Interest are due May 1. He reminded the Commissioners that the Commission will file the Statements of Economic Interest on their behalf with the Secretary of State if they want to leave originals with him, but in any case a copy must be provided to him so he can review them in accordance with his responsibilities as Ethics Officer. He also noted that Supplemental Statements of Economic Interest are to be completed online for the first time this year, and that there is no requirement to submit these for his review. A general discussion about the filing process for these forms ensued in which all the Commissioners participated. Executive Director Stralka concluded by suggesting that the individual Commissioners should contact him directly if they are having trouble getting these forms filed.
- 2016 Ethics Training materials were forwarded to the Commissioners with this month's meeting materials. He reminded the Commissioners that they are to complete and sign the Acknowledgement of Participation form at the end of the materials when they conclude the training and return it to him.
- He made a presentation entitled "What Every General Counsel Should Know About the Civil Service Commission" to the Department of Financial and Professional Regulation on March 25. The presentation was well received.
- The Commission's postage meter remains inoperable due to non-payment of the postage bill. There have been some issues with timely receipt of Proposals for Decision and, subsequently, responses to Proposals for Decision. It was suggested to the Commissioners that the Commission allow an extra day for responses which hopefully alleviates some of this pressure, though the Commissioners will receive their copies one day later than present practice. All the Commissioners were in favor of doing so.
- Assistant Executive Director Barris has been following some pending legislation impacting the Personnel Code though none of it appears as if it will be successful. He will continue to monitor these bills.

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- The Interagency Committee on Employees with Disabilities (ICED) awards banquet will be held on May 11, 2016 at the Illinois State Library. Governor Rauner will be a featured presenter. Assistant Executive Director Barris will attend on the Chairman's behalf.
- He attended a meeting on April 14 regarding the exempt position structure of the newly created Department of Information Technology (DoIT). One of the upshots of the meeting was that the Commission can anticipate ten new exemption requests for its May meeting.
- It has been almost a year since there has been any communication with the Illinois Department of Transportation about issues with the designation of employees as "technical" and therefore exempt from the Personnel Code. He will follow up and report back at the Commission's May meeting.

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, May 20, 2016 at 11:00 a.m. in the Commission's Chicago office.

XVI. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY CHAIRMAN SCHROEDER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 2:28 P.M.